

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-20263

Honorable Thomas L. Ludington

v.

NNAMDI EZELI,

Defendant.

ORDER DENYING MOTION FOR “FAST TRACK” REDUCTION

On July 3, 2014, Nnamdi Ezeli filed a motion—pursuant to U.S. Sentencing Guidelines Manual § 5K3.1—requesting a four-level sentence reduction. *See* Def.’s Mot., ECF No. 39. Although § 5K3.1 indicates that the Court “may depart downward not more than 4 levels pursuant to an early disposition program” such as the one Ezeli suggests (“Fast Track deportation”), it also indicates such relief may be granted “[u]pon motion of the Government.” § 5K3.1. Noting the reduction was not pursued by the government, the Court ordered a response.

On July 22, 2014, the government responded as directed. It notes that the “fast track” program “does not apply to [Ezeli],” and also that it “does not move for a reduction” under § 5K3.1. Pl.’s Resp. 2, ECF No. 41. The government explains that the “fast track” program “only pertains to individuals convicted of felony illegal-reentry under 8 U.S.C. § 1326.” *Id.* Because Ezeli was convicted of wire-fraud and aggravated identity theft, the program is not applicable to his case. Moreover, as this Court has previously held, “Section 5K3.1’s plain language explicitly states that neither defendants nor the court can move for a § 5K3.1 motion, but rather, it can be requested only ‘[u]pon motion from the Government.’” *United States v. Habib*, No. 10-20680,

2014 WL 3401011, at *3 (E.D. Mich. July 10, 2014). Because the government did not move for the reduction here, Ezeli's motion must be denied.

Accordingly, it is **ORDERED** that Ezeli's motion for a reduction of his sentence, EFC No. 39, is **DENIED**.

Dated: July 25, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail, and upon Nnamdi Ezeli #47064-039 NEOCC, 2240 Hubbard Road, Youngstown, OH 44505 by first class U.S. mail, on July 25, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS